

### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims

1. (currently amended) A promoter of  $\alpha$ -amylase derived from [a microorganism of the genus] *Bacillus amyloliquefaciens*, wherein the promoter is modified, said modified promoter comprising:

a sequence having at least one restriction site ~~is introduced between a vicinity of located about 10 bases from the 3' end, of the promoter and an initiation codon of protein, and~~  
~~an~~ wherein the translation activity of the modified promoter is higher than that of a ~~natural promoter~~ promoter of  $\alpha$ -amylase in which the sequence having at least one restriction site is absent.

2. (canceled)

C<sup>1</sup>  
3. (previously presented) The promoter according to claim 1, wherein the restriction site is a restriction site for BamHI..

4. (original) The promoter according to claim 3, wherein the promoter has a sequence of Sequence ID No. 1.

5. (previously presented) The promoter according to claim 1, wherein the restriction site includes restriction sites for BamHI and at least one restriction site other than the restriction site for BvamHI, and

the restriction site other than the restriction site for BamHI is present downstream of the BamHI cleavage site.

6. (original) The promoter according to claim 5, wherein the restriction site has a sequence of restriction sites for BamHI and EcoRI, and may have a sequence of at least one restriction site between the BamHI and EcoRI restriction sites.

7. (original) The promoter according to claim 6, wherein the sequence of the promoter is a sequence of Sequence ID No. 2, and the restriction sites are restriction sites for BamHI, SmaI, KpnI, SacI and EcoRI in this order from 5' end.

8. (original) The promoter according to claim 5, wherein the restriction site sequence has a sequence of restriction sites for BamHI, NdeI, and XhoI in this order from 5' end.

9. (previously presented) An expression cassette having the promoter according to claim 1.

10. (original) An expression vector, wherein a gene encoding protein is inserted into a restriction site of the expression cassette of claim 9.

C<sup>1</sup>  
11. (original) The expression of vector according to claim 10, wherein the sequence encoding protein is a sequence of an intracellular enzyme.

12. (original) The expression vector according to claim 10, wherein the sequence encoding protein is a sequence of phosphorylase or isomerase.

13. (original) The expression vector according to claim 12, wherein the phosphorylase is trehalose phosphorylase or maltose phosphorylase.

14. (original) The expression vector according to claim 12, wherein the isomerase is mannose isomerase.

15. (previously presented) A recombinant microorganism having the expression vector according to claim 10.

16. (original) A method for producing protein comprising the step of culturing the recombinant microorganism according to claim 15.

Claims 17-20 (canceled)

21. (original) An expression cassette having the promoter according to claim 3.

22. (original) An expression cassette having the promoter according to claim 4.

23. (original) An expression cassette having the promoter according to claim 5.

24. (original) An expression cassette having the promoter according to claim 6.

25. (original) An expression cassette having the promoter according to claim 7.

26. (original) An expression cassette having the promoter according to claim 8.

C<sup>1</sup>  
27. (original) A recombinant microorganism having the expression vector according to claim 11.

28. (original) A recombinant microorganism having the expression vector according to claim 12.

29. (original) A recombinant microorganism having the expression vector according to claim 13.

30. (original) A recombinant microorganism having the expression vector according to claim 14.